



**THE ATTORNEY GENERAL
OF TEXAS**

GERALD C. MANN

AUSTIN 11, TEXAS

January 20, 1939

~~J. C. MANN~~
ATTORNEY GENERAL

Honorable J. D. Hazlewood
County Attorney
Canyon, Texas

Dear Mr. Hazlewood:

Opinion No. O-175
Re: Nepotism Law

This office is in receipt of your telegram of January 19 which reads as follows:

"Under Article 432 Penal Code can A whose son married B's daughter hire B to work for him?"

Since you refer to Article 432 of the Penal Code, we will assume that the employment mentioned involves the employment of some person related to a county official in the degree set forth in your telegram, and that the proposed employee would draw compensation from the county.

Article 432 of the Penal Code provides: "No officer of this State or any officer of any district, county, . . . shall appoint, or vote for, or confirm the appointment to any office, position, clerkship, employment or duty, of any person related within the second degree by affinity or within the third degree by consanguinity to the person so appointed or so voting, . . . when the salary, fees, or compensation of such appointee is to be paid for, directly or indirectly, out of or from public funds or fees of office of any kind or character whatsoever."

As said in 2 C. J. 378, blood relations of the husband and blood relations of the wife are not related to each other by affinity. Ex parte Harris, 6 L.R.A. 713, Fla., Lowman v. State, 50 Southern 43, Ala. Hence, the husband's father and the wife's father would not be so related.

As aptly put by Judge C. J. Blackley in the case of Central R. Co. v. Roberts, 91 Ga. 513, 18 S.E. 315: "The groom and bride each comes within the circle of the other's kin; but kin and kin are still no more related than they were before."

You are, therefore, advised that the county officer's daughter-in-law's father may be employed without violating the Nepotism Law.

GRL:N:egw
APPROVED:
/s/ Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

Yours very truly
ATTORNEY GENERAL OF TEXAS
By /s/ Glenn R. Lewis
Assistant